



The Town of Leesburg
DEPARTMENT OF PLANNING & ZONING

TO: PLANNING COMMISSION DATE: DECEMBER 17, 2009
FROM: ZONING ADMINISTRATOR RE: FORM-BASED CODE
PARKING REGULATIONS
SECTION 7.10.9.A.

The basic tenant guiding development in the Form-Based Code (FBC) area is the redevelopment of that part of town per a more dense urban development pattern. In an urban area there is less emphasis on providing on-site parking as there is in a suburban area due to the availability of public transportation, structured parking, and mixed uses on walkable streets.

Though this is the ultimate goal of the FBC the fact remains that for the immediate future there will continue to be a reliance on the automobile as a primary mode of transportation in Leesburg. Acknowledging this fact the FBC addresses existing parking demands practically with an eye on the ultimate goal of a less automobile dependant community.

Section 7.10.9.A. of the FBC establishes the parking requirements within the code area. Off-street parking is required to be provided in accordance with Article 11 *Parking, Loading and Pedestrian Access* of the Zoning Ordinance, but with exceptions as described in the Section.

Modifications to Article 11 Parking Requirements in the Form-Based Code Area:

- **Parking Maximum.** Whereas Section 11.3 of Article 11 establishes the minimum required number of parking spaces for various land uses, Section 7.10.9.A.1. establishes these same totals as the maximum number of parking spaces permitted for a use in the FBC area. By establishing maximum parking space requirements no single use can exceed a certain number of parking spaces. Under current regulations, so long as the site can accommodate the facility, there is no limitation on the number of parking spaces a use may provide.

The maximum parking space limitation does not apply to structured parking facilities.

- **Count On-Street Parking Spaces Towards Total.** The FBC allows a use to count the on-street spaces located along the frontage of a lot towards the number of required parking spaces for that use. Though these spaces are permitted to be counted towards a particular use, the Code prohibits reserving these spaces for the exclusive use of patrons or occupants of the lot. All on-street parking spaces must remain available to the public. This regulation effectively minimizes the number of spaces that must be accommodated on-site by the number of spaces that are along the frontage of the lot.

Current zoning regulations do not permit counting on-street spaces towards on-site parking requirements. All spaces must be located on site unless part of a off-site parking under TLZO Section 11.4.1 or a shared parking agreement under TLZO Section 11.4.2. Note that the off site parking and shared parking options are only available in nonresidential zoning districts for nonresidential uses.

- **Shared Parking Agreements.** Currently Zoning Ordinance Section 11.4.2 permits two or more nonresidential uses to provide required off-street parking spaces cooperatively with the approval of the Land Development Official. The amount of parking provided for all such uses shall equal the sum of the amounts of parking required for each of the respective uses. So, for example, a development with 20,000 s.f retail; 12,000 s.f. office; 5,000 s.f. restaurant and 100 multi-family dwelling units (2BR each) would be required to provide parking as described below.

EXAMPLE:

Use		Minimum Parking per TLZO Sec. 11.3
20,000 s.f.	Retail	90 spaces
12,000 s.f.	Office	40 spaces
5,000 s.f.	Restaurant (no outside seating)	33 spaces
100 du	Multi-family Dwellings (2BR)	200 spaces
		363 Total Spaces Required

Section 11.4.2. does provide for a reduction in the total number of shared parking spaces when the Planning Commission determines, (based on the Land Development Official's recommendation) that the same parking spaces can accommodate two separate uses by reasons of the characteristics of the land uses and hour of operation. However, Section 11.4.2 provides no guidance as to how to determine what degree of reduction is appropriate.

The FBC authorizes the Zoning Administrator to permit a reduction in the total number of required parking spaces when it is determined that two or more uses can be adequately served by the same parking spaces by reasons of the characteristics of the land uses and their hours of operation. Note that this is the same standard used in TLZO 11.3 only the FBC gives the authority to the Zoning Administrator alone, and provides a table to factor the appropriate reduction:

General Land Use Classification	Weekdays			Weekends		
	1:00 a.m.-7:00 a.m.	7:00 a.m.-6:00 p.m.	6:00 p.m.-1:00 a.m.	1:00 a.m.-7:00 a.m.	7:00 a.m.-6:00 p.m.	6:00 p.m.-1:00 a.m.
Office	5%	100%	5%	0%	15%	0%
Retail sales and services	0%	50%	70%	0%	100%	60%
Restaurant	20%	70%	80%	30%	75%	100%
Residential	100%	50%	100%	100%	75%	90%
Theater	0%	60%	80%	0%	80%	100%
Religious institution	0%	25%	50%	0%	100%	50%
Hotel:						
Guest rooms	100%	55%	100%	100%	55%	100%
Restaurant/lounge	20%	70%	80%	30%	75%	100%
Conference rooms	0%	100%	80%	0%	100%	80%

For each land use type take the total number of required parking spaces from TLZO Section 11.3 and multiply by the percentage for each time frame for weekdays and for weekends. The resultant number equals the total number of spaces that use will likely be required based on time of day and day of week. In no instance will a development require 100% of its spaces all at one time.

Applying this table to the Example development described above, the amount of parking required for each use by characteristics of that use and hours of operation are:

General Land Use Classification	Weekdays			Weekends		
	1:00 a.m.-7:00 a.m.	7:00 a.m.-6:00 p.m.	6:00 p.m.-1:00 a.m.	1:00 a.m.-7:00 a.m.	7:00 a.m.-6:00 p.m.	6:00 p.m.-1:00 a.m.
12,000 s.f. Office	2	40	2	0	6	0
20,000 s.f. Retail sales and services	0	45	63	0	90	54
5,000 s.f. Restaurant	7	23	26	10	25	33
100 2BR M/F du Residential	200	100	200	200	150	180
Total Spaces Required	209	208	291	210	271	267

The FBC instructs to Zoning Administrator to use the period of time with the highest total parking requirement and use that total as the minimum shared parking requirement. In this example that highest total is the weekdays from 6:00 p.m. – 1:00 a.m. or 291 total spaces.

Compared to TLZO Section 11.3 the FBC reduced the total number of shared parking spaces by 72 spaces, (363 spaces – 291 spaces).

- **Payment In Lieu.** Like the current zoning regulations for the H-1 Overlay District, the FBC allows non-residential uses to make a payment in lieu for all or a portion of the required parking spaces for that use. There are differences from the H-1 process, however, these differences include:
 1. Zoning Administrator must make the determination that an equal number of parking spaces are available to the public within 500 feet of the site. The current regulations only require that there be a municipal parking facility within 500 feet. There is no determination required that this facility actually has the requisite number of spaces available for use; and,
 2. The 500 feet distance is measured from the main pedestrian entrance of the building to the parking spaces along a path following sidewalks and other pedestrian ways. Current H-1 regulations only require that the 500 feet be measured from the nearest point of the building lot to an entrance on the municipal parking facility.

Parking as a Catalytic Project:

The Steering Committee discussed implementation issues as part of its work formulating the FBC. Originally it was thought that the Crescent District would be redeveloped all by private investment. The Town's role would be limited to developing the planning instruments and adopting the regulations to guide the redevelopment, i.e., a form-based code.

The Steering Committee discovered, however, that in other jurisdictions where a form-based code has been implemented in a redevelopment area, the jurisdiction has played an active role to encourage or incentivize redevelopment. In the case of redevelopment of the Crescent District, the Steering Committee identified particular areas where public investment could act as a catalyst that incentivizes private investment in the district. Among the potential catalytic projects discussed by the Steering Committee was parking. The Steering Committee thought that a municipal parking garage located within the FBC area would allow property owners near the facility to maximize development density on their properties, thus providing the incentive to redevelop under the FBC.

Public-Private Education Facilities and Infrastructure Act (PPEA) of 2002. The PPEA is a legislative framework enabling local governments to enter agreements creating public-private partnerships for development of a wide range of projects for public use. "Qualifying projects" under the Act include public buildings and facilities of all types, and certain infrastructure and services including among other things a building or facility

that meets a public purpose and is developed or operated by or for any public entity. Thus, under this Act it is possible for the Town to enter into a public-private partnership for the development of a municipal parking structure. The idea behind the PPEA is that there is a public need for timely acquisition, design, construction or installation of public infrastructure and government facilities that serve a public need and purpose. If there are inadequate resources to develop new government facilities and public infrastructure, and there is demonstrated evidence in Virginia that public-private partnerships can meet these needs by improving the schedule for delivery, lowering the cost, and providing other benefits to the public.

Potential Parking Structure Locations. The Steering Committee did not identify specific locations for new municipal parking structures in the FBC area. The Town holds few properties within the FBC area where a parking structure would be ideal. Therefore, property acquisition would be involved if the Town were to pursue such a project.

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